

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicants: Vlad MITLIN, Richard G.C. WILLIAMS

Atty. Doc.: 3Com-72/1(3292TDCUSP)

Serial No.: 09/741,⁶³⁶~~363~~ Filed: December 20, 2000

Group Art Unit: 2133 Confirmation No.: 5636

Examiner: Guy J. Lamarre

Title: PERFORMANCE EVALUATION OF MULTICARRIER CHANNELS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R:

SUBSTITUTE TERMINAL DISCLAIMER TO OBVIATE A
DOUBLE PATENTING REJECTION OVER PRIOR PATENT
AND
CO-PENDING PATENT APPLICATION

3Com Corporation, the owner of 100 percent interest in the instant application, by virtue of an assignment to 3Com Corporation recorded on December 20, 2000 at reel 011398, frame 0609, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,732,323 (assignment to 3Com Corporation recorded

January 29, 2001 at reel 011487, frame 0127). The owners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

3Com Corporation also hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of any patent issued on co-pending patent application serial number 09/741,639 (Publication No. 2002/0108081; the "co-pending" application -- assignment to 3Com Corporation recorded December 19, 2000, reel 011401, frame 0686). The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent issued on the co-pending patent application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent or of any patent issued on the co-pending patent application, as presently shortened by any terminal disclaimer, in the event that the latter:

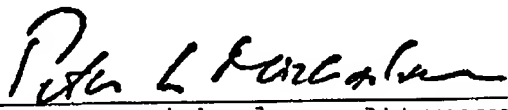
expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Terminal disclaimer fee under 37 CFR 1.20(d) in the amount of \$ 110.00 was previously paid. In the event this an additional fee is required, please charge the additional or entire cost, as appropriate, to Deposit Account No. 13-3083. To facilitate that charge, a duplicate copy of this document is enclosed herewith.

Respectfully submitted,

December 13, 2004


Peter L. Michaelson, Attorney
Reg. No. 30,090
Customer No. 007265
(732) 530-6671

MICHAELSON & ASSOCIATES
Counselors at Law
Parkway 109 Office Center
328 Newman Springs Road
P.O. Box 8489
Red Bank, New Jersey 07701

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (and any accompanying paper(s)) is being facsimile transmitted to the United States Patent Office on the date shown below.

Cornelia Arenz

Type or print name of person signing certification

Signature

December 13, 2004
Date

(3COM72-1SUBSTTERMDISL/ca:100)